

**SUPREME COURT MINUTES  
TUESDAY, FEBRUARY 11, 2003  
SAN FRANCISCO, CALIFORNIA**

**S032736**

PEOPLE v. BOYETTE (MAURICE)  
Rehearing denied

Kennard, J., is of the opinion the petition  
should be granted.  
Opinion Modified.

**S112505**

B161777 Second Appellate District,  
Division Four

ROBERTS (ORLANDO) ON H.C.  
Petition for review granted; issues limited (criminal case)

The issue to be briefed and argued shall be  
limited to the determination of the proper  
court to adjudicate habeas corpus petitions  
challenging the denial of a parole date by the  
Board of Prison Terms.

Votes: George, CJ., Kennard, Baxter,  
Werdegar, Chin, Brown and Moreno, JJ.

**S112688**

F039327 Fifth Appellate District

PEOPLE v. GARCIA  
Review granted/briefing deferred (rule 29.3) - criminal case

Further action in this matter is deferred pending  
consideration and disposition of a related issue  
in People v. Canty, S109537 (see Cal. Rules of  
Court, rule 28.2(c), formerly rule 29.2(c)), or  
pending further order of the court. Submission  
of additional briefing, pursuant to California  
Rules of Court, rule 29.1 (formerly rule 29.3),  
is deferred pending further order of the court.  
Baxter, J., was recused and did not participate.

Votes: George, CJ., Kennard, Werdegar, Chin,  
Brown and Moreno, JJ.

**S098212**

TAYLOR (ANTHONY) ON H.C.  
OSC issued, returnable in Superior Court

The Director of the Department of Corrections is ordered to show cause, before the Los Angeles County Superior Court, when the matter is placed on calendar, why petitioner's rights to due process, to confront and cross-examine adverse witnesses, and to the effective assistance of counsel were not violated when, during deliberations, the jury in case No. NA002385 received and considered **unedited** tape-recordings of police interviews with prosecution witnesses Ben Barker and Michael Sampson (People's Exs. 14, 15, 16), rather than the **edited** tape (or tapes) stipulated to by the parties and approved by the trial court (People v. Taylor, B053395, RT at pp. 80-82), and why petitioner's conviction should not therefore be set aside. The return shall be filed on or before March.

Votes: George, CJ., Kennard, Baxter, Werdegarr, Chin, Brown and Moreno, JJ.

**S106260**

GOODRIDGE (VICTOR) ON H.C.  
OSC issued, returnable in Superior Court

The Director of the Department of Corrections is ordered to show cause before the Riverside County Superior Court, when the matter is placed on calendar, why petitioner is not entitled to the relief requested. The return shall be filed on or before March 13, 2003. (See In re Anderson (1982) 136 Cal.App.3d 472, 475-476; In re Ballard (1981) 115 Cal.App.3d 647,650.)

Votes: George, CJ., Kennard, Baxter, Werdegarr, Chin, Brown and Moreno, JJ.

**S112675**

F038393 Fifth Appellate District

PEOPLE v. CHACON

Petition for review granted; transferred to CA 5

The matter is transferred to the Court of Appeal, Fifth Appellate District, with directions to vacate its decision, filed on November 26, 2002, and to reconsider the matter in light of Welfare and Institutions Code section 1732.6, subdivision (b).

Votes: George, CJ., Baxter, Chin, Brown and Moreno, JJ.

**S090886**

C030361 Third Appellate District

PEOPLE v. SOUSA

Dismissed as improvidently granted (rule 29.4 (C))

and cause is remanded to the Court of Appeal, Third Appellate District.

Votes: George, CJ., Kennard, Baxter, Werdegar, Chin, Brown and Moreno, JJ.

**S105520**

B157419 Second Appellate District,  
Division One

SMITH (MARK) ON H. C.

Retransferred to CA 2/1

The appeal currently pending in this court is retransferred to the Court of Appeal, Second Appellate District, Division One, with instructions to determine it in light of *In re Rosenkrantz* (2002) 29 Cal.4th 616. The order filed in this court on April 2, 2002, granting the application for a stay of the March 5, 2002, order of the Los Angeles County Superior Court releasing petitioner Mark Smith on parole shall remain in effect pending the final determination of the appeal. Brown, J., was recused and did not participate.

Votes: George, CJ., Kennard, Baxter, Werdegar, Chin and Moreno, JJ.

**S108264**

B159884 Second Appellate District,  
Division Seven

**KUNKLER (EDGAR) ON H.C.**

Transferred to CA 2/7 after grant of review

The appeal currently pending in this court is retransferred to the Court of Appeal, Second Appellate District, Division Seven, with instructions to determine it in light of *In re Rosenkrantz* (2002) 29 Cal.4th 616. The order filed in this court on July 12, 2002, staying execution of the July 1, 2002, order of the Los Angeles County Superior Court releasing petitioner Edgar Kunkler on parole, shall remain in effect pending the final determination of the appeal. Brown, J., was recused and did not participate.

Votes: George, CJ., Kennard, Baxter,  
Werdegar, Chin and Moreno, JJ.

**S111164**

C040322 Third Appellate District

**MORRAL (NORMAN G.) ON H.C.**

Dismissed per rule 29.3(b), and remanded to CA 3

Pursuant to California Rules of Court rule 29.3(b), formerly rule 29.4(c), the above-entitled review is dismissed and the cause is remanded to the Court of Appeal, Third Appellate District. The Reporter of Decisions is directed to publish in the Official Appellate Reports the opinion in the above-entitled appeal, filed September 23, 2002, which appears as modified at 102 Cal.App.4th 280. Brown, J., was recused and did not participate. Hon. George W. Nicholson, Associate Justice of the Court of Appeal, Third Appellate District, assigned by the Chief Justice pursuant to article VI, section 6 of the California Constitution, participated. Kennard, J., Werdegar, J., and Chin, J., are of the opinion the matter should be dismissed but that the Court of Appeal opinion should remain unpublished.

Votes: George, CJ., Baxter, Moreno, &  
Nicholson, JJ.

**S111823**

F041620 Fifth Appellate District

## VIDAL v. S.C. (PEOPLE)

Petition for review and application for stay denied

Baxter, J., was recused and did not participate.  
Kennard, J., is of the opinion the petition should be granted.

**S111894**

H022362 Sixth Appellate District

## PEOPLE v. GONZALES

Petition for review denied

**S111903**

C038932 Third Appellate District

## PEOPLE v. HUTCHINGS

Petition for review denied

**S112010**

H024438 Sixth Appellate District

## GONZALES (JAMES) ON H.C.

Petition for review denied

**S112034**

H021885 Sixth Appellate District

## PEOPLE v. IHRIG

Petition for review denied

**S112035**

H024395 Sixth Appellate District

## IHRIG (RICHARD) ON H.C.

Petition for review denied

**S112073**

H025162 Sixth Appellate District

## GREGO (LOUIS, IN RE

Petition for review denied

**S112165**D037255 Fourth Appellate District,  
Division One

## EDENBAUM v. DALTON

Petition for review denied

**S112190**B135086 Second Appellate District,  
Division Six

## KERRIGAN v. THRIFTY DRUG

Petition for review denied

**S112199**

H021767 Sixth Appellate District

## PEOPLE v. NGUYEN

Petition for review denied

Kennard, J., and Moreno, J., are of the opinion  
the petition should be granted.

**S112207**

B162281 Second Appellate District,  
Division Two

**JOHNSON v. W.C.A.B.**

Petition for review denied

George, C.J., and Baxter, J., were recused and did not participate.

**S112218**

H024661 Sixth Appellate District

**PEOPLE v. TARABOCHIA**

Petition for review denied

**S112263**

C037901 Third Appellate District

**PEOPLE v. BARBER**

Petition for review & publication request denied

**S112270**

D041281 Fourth Appellate District,  
Division One

**HOME DEPOT U.S.A. v. S.C. (SOLLIE)**

Petition for review denied

Chin, J., was recused and did not participate.

**S112289**

B154372 Second Appellate District,  
Division Three

**CHOY v. REDLAND INSURANCE**

Petition for review denied

**S112348**

D038716 Fourth Appellate District,  
Division One

**PEOPLE v. SIMMONS**

Petition for review denied

**S112353**

G030917 Fourth Appellate District,  
Division Three

**STAR INSURANCE v. W.C.A.B. (SHATSWELL)**

Petition for review denied

**S112362**

A093590 First Appellate District,  
Division One

**LOEWENSTEIN v. CITY OF LAFAYETTE**

Petition for review denied

Chin, J., and Brown, J., are of the opinion the petition should be granted.

**S112366**

H021878 Sixth Appellate District

**PEOPLE v. SANCHEZ**

Petition for review denied

**S112368**

A093939 First Appellate District,  
Division Three  
A093962

## PEOPLE v. ROMERO

Petitions for review denied

**S112374**

A099745 First Appellate District,  
Division One

## F. (HYACINTH) IN RE

Petition for review denied

**S112377**

B149659 Second Appellate District,  
Division Three

## ALPERT v. GEORGE

Petition for review denied

**S112380**

D038705 Fourth Appellate District,  
Division One

## PARK v. OH

Petition for review denied

**S112388**

D037520 Fourth Appellate District,  
Division One

## CAPITAL TRUST v. TRI-NATIONAL DEVELOPMENT

Petition for review denied

Kennard, J., is of the opinion the petition  
should be granted.

**S112411**

B152885 Second Appellate District,  
Division One

## PEOPLE v. TAYLOR

Petitions for review denied

**S112429**

C040200 Third Appellate District

## PEOPLE v. GIACOMA

Petition for review denied

**S112456**

A100765 First Appellate District,  
Division One

## CE CASECNAN v. S.C. (LAPRAIRIE GROUP CONTRACT

Petition for review denied

**S112458**

C038834 Third Appellate District

## PEOPLE v. VIVEROS

Petition for review denied

**S112460**

F039447 Fifth Appellate District

PEOPLE v. THOMPSON

Petition for review denied

**S112463**

F037365 Fifth Appellate District

PEOPLE v. HANKS

Petition for review denied

**S112466**

F038624 Fifth Appellate District

PEOPLE v. REYES

Petition for review denied

Kennard, J., is of the opinion the petition should be granted.  
Baxter, J., was recused and did not participate.

**S112472**G029849 Fourth Appellate District,  
Division Three

PEOPLE v. SUBIA

Petition for review denied

**S112473**B156282 Second Appellate District,  
Division Four

PEOPLE v. MULLAN

Petition for review denied

**S112474**B162774 Second Appellate District,  
Division Four

FLEMING (KEVIN TYRONE) ON H.C.

Petition for review denied

**S112476**C038889 Third Appellate District  
C039253

PEOPLE v. SHAW

Petitions for review denied

**S112477**A096260 First Appellate District,  
Division Five

PEOPLE v. ASKEW

Petition for review denied

**S112483**

C041290 Third Appellate District

S. (I), IN RE

Petition for review denied

**S112484**E031466 Fourth Appellate District,  
Division Two

PEOPLE v. FLORES

Petition for review denied



**S112486**

D037737 Fourth Appellate District,  
Division One

## PEOPLE v. COTTINGHAM

Petition for review denied

**S112491**

H025044 Sixth Appellate District

## KUO v. S.C. (JONCICH)

Petition for review denied

**S112493**

D039714 Fourth Appellate District,  
Division One

## PEOPLE v. PATEL

Petition for review denied

**S112496**

C036740 Third Appellate District  
C037794

## HEAGERTY v. COUNTY OF PLACER (CALDWELL)

Petition for review denied

**S112498**

A097673 First Appellate District,  
Division One

## PEOPLE v. EATON

Petition for review denied

**S112502**

B155188 Second Appellate District,  
Division Six

## PEOPLE v. VALDEZ

Petition for review denied

**S112503**

C040225 Third Appellate District

## LAFOREST v. CITY OF MOUNT SHASTA (DECLERCK E

Petition for review denied

**S112509**

A096606 First Appellate District,  
Division One

## PEOPLE v. SLOCUM

Petition for review denied

**S112510**

E032007 Fourth Appellate District,  
Division Two

## H. (SAMANTHA) IN RE

Petition for review denied

**S112514**

E030967 Fourth Appellate District,  
Division Two

## PEOPLE v. HAWKINS

Petition for review denied

**S112515**

B153171 Second Appellate District,  
Division Five

NEUFELD v. OZ US FILM

Petition for review denied

**S112516**

B151242 Second Appellate District,  
Division Eight

CRUZ, MARRIAGE OF

Petition for review denied

**S112517**

A096780 First Appellate District,  
Division One  
A096583

BC HOUSING PARTNERSHIP v. APOLLO LIMITED PAR

Petition for review denied

**S112520**

A095145 First Appellate District,  
Division Three

PEOPLE v. RAMEY

Petition for review denied

**S112524**

F041444 Fifth Appellate District

SIMS v. S.C. (PEOPLE)

Petition for review denied

**S112526**

B147553 Second Appellate District,  
Division Three

GAGGERO v. STACEY

Petition for review denied

**S112527**

B151489 Second Appellate District,  
Division One

PEOPLE v. BASURTO

Petition for review denied

**S112529**

F038511 Fifth Appellate District

PEOPLE v. WARD

Petition for review denied

**S112530**

B156222 Second Appellate District,  
Division Four

450 NORTH BRAND v. MCLARAND

Petition for review denied

**S112532**

H023232 Sixth Appellate District

PEOPLE v. ABARQUEZ

Petition for review denied

**S112534**

B154378 Second Appellate District,  
Division Four

**HOLDEN v. WILLIAMS**

Petition for review denied

**S112536**

B155193 Second Appellate District,  
Division Two

**PEOPLE v. CORONA**

Petition for review denied

**S112539**

F041932 Fifth Appellate District

**FURNESS (CRYSTAL LEE), ON H.C.**

Petition for review denied

**S112540**

H022779 Sixth Appellate District

**SUTTERS PLACE v. SAN JOSE**

Petition for review denied

Kennard, J., and Chin, J., are of the opinion  
the petition should be granted.

**S112543**

H023068 Sixth Appellate District

**PEOPLE v. MCGHEE**

Petition for review denied

**S112547**

D038219 Fourth Appellate District,  
Division One

**PEOPLE v. SMANN**

Petitions for review denied

Baxter, J., is of the opinion review should be  
granted.

**S112548**

A097181 First Appellate District,  
Division Three

**PEOPLE v. ANDERSON**

Petition for review denied

**S112549**

F037950 Fifth Appellate District

**PEOPLE v. DUDNEY**

Petition for review denied

**S112551**

B152431 Second Appellate District,  
Division Five

**PEOPLE v. BURNS**

Petition for review denied

**S112552**

C038254 Third Appellate District

**PEOPLE v. DAVIS**

Petition for review denied

**S112553**

C040154 Third Appellate District

GEORGE v. MATHENY, POIDMORE

Petition for review denied

**S112555**D036930 Fourth Appellate District,  
Division One

PEOPLE v. LOTT

Petition for review denied

**S112560**B157120 Second Appellate District,  
Division One

PEOPLE v. TOBON

Petition for review denied

**S112562**

C034586 Third Appellate District

PEOPLE v. PENN

Petition for review denied

**S112563**A094337 First Appellate District,  
Division Three

PEOPLE v. HUNT

Petition for review denied

**S112571**B145817 Second Appellate District,  
Division Two  
B150931

SAWYER v. WESTCHESTER FIRE

Petition for review denied

**S112575**

H023242 Sixth Appellate District

PEOPLE v. FIGUEROA

Petition for review denied

**S112576**A095532 First Appellate District,  
Division One

PEOPLE v. MILWITT

Petition for review denied

**S112577**

F039009 Fifth Appellate District

PEOPLE v. BELASKI

Petition for review denied

Baxter, J., was recused and did not participate.

**S112578**

F039052 Fifth Appellate District

PEOPLE v. ALARDIN

Petition for review denied

**S112579**

B146582 Second Appellate District,  
Division Four

WAKSBERG v. TRANSAMERICA OCCIDENTAL LIFE  
Petition for review denied

**S112581**

B157406 Second Appellate District,  
Division Two

FARMERS v. SHETSOV  
Petition for review denied

**S112582**

H023395 Sixth Appellate District

PEOPLE v. PELAIZ  
Petition for review denied

**S112583**

A096030 First Appellate District,  
Division Two

PEOPLE v. NURKIEWICZ  
Petition for review denied

**S112584**

A100351 First Appellate District,  
Division Four

NG v. S.C. (NG)  
Petition for review denied

**S112585**

H023309 Sixth Appellate District

PEOPLE v. BRODIS  
Petition for review denied

**S112587**

B163025 Second Appellate District,  
Division Eight

HASH v. APPELLATE DIVISION (PEOPLE)  
Petition for review denied

**S112590**

B156163 Second Appellate District,  
Division Five

TONG v. SANCHEZ  
Petition for review denied

**S112592**

B149969 Second Appellate District,  
Division Four

PEOPLE v. RODRIGUEZ  
Petition for review denied

**S112594**

A097274 First Appellate District,  
Division Five

G. (JON) IN RE  
Petition for review denied

**S112598**

B155647 Second Appellate District,  
Division One

**SHALANT v. WORLD SAVINGS**

Petition for review denied

**S112600**

B156709 Second Appellate District,  
Division Four

**PEOPLE v. TARANGO**

Petition for review denied

**S112603**

B151622 Second Appellate District,  
Division Seven

**PEOPLE v. SECREST**

Petition for review denied

**S112606**

G029672 Fourth Appellate District,  
Division Three

**HANSEN, ESTATE OF**

Petition for review denied

**S112609**

E030438 Fourth Appellate District,  
Division Two

**PEOPLE v. ALVAREZ**

Petition for review denied

**S112610**

E030483 Fourth Appellate District,  
Division Two

**PEOPLE v. GUTIERREZ**

Petitions for review denied

**S112611**

B161893 Second Appellate District,  
Division Four

**LOCKHEED v. W.C.A.B. (NICHOLS)**

Petition for review denied

**S112612**

C038515 Third Appellate District

**PEOPLE v. HOLDSOME**

Petition for review denied

**S112613**

B151463 Second Appellate District,  
Division Two

**PEOPLE v. EDIE**

Petition for review denied

**S112614**

B154200 Second Appellate District,  
Division Five

**ROSS v. WESCO AIRCRAFT**

Petition for review denied

**S112615**

A097835 First Appellate District,  
Division Five

G. (ASHLEY MARIE), IN RE  
Petition for review denied

**S112616**

D040199 Fourth Appellate District,  
Division One

G. (JACOB), IN RE  
Petition for review denied

**S112618**

H022525 Sixth Appellate District

PEOPLE v. LARA  
Petition for review denied

**S112620**

F037697 Fifth Appellate District

PEOPLE v. BLANCAS  
Petition for review denied

Baxter, J., was recused and did not participate.

**S112625**

G028843 Fourth Appellate District,  
Division Three

PEOPLE v. GATEWOOD  
Petition for review denied

**S112626**

D038272 Fourth Appellate District,  
Division One

PEOPLE v. WALLACE  
Petition for review denied

**S112627**

F037532 Fifth Appellate District

PEOPLE v. J-WEIAL  
Petition for review denied

**S112628**

A098419 First Appellate District,  
Division Four

S. (NANCY), IN RE  
Petition for review denied

**S112629**

B163598 Second Appellate District,  
Division Seven

NADGIR v. S.C. (MEDICAL BOARD)  
Petition for review denied

**S112632**

B156288 Second Appellate District,  
Division One

PEOPLE v. GARCIA  
Petition for review denied

**S112633**

F038906 Fifth Appellate District

A. (CHARLES), IN RE

Petition for review denied

Baxter, J., was recused and did not participate.

**S112634**

H021716 Sixth Appellate District

PEOPLE v. RAMIL

Petition for review denied; CA opinion decertified

**S112636**G029493 Fourth Appellate District,  
Division Three

PEOPLE v. GUTIERREZ

Petition for review denied

**S112638**

H020018 Sixth Appellate District

PEOPLE v. VO

Petition for review denied

**S112639**E030885 Fourth Appellate District,  
Division Two

PEOPLE v. JUAREZ

Petition for review denied

**S112640**A095439 First Appellate District,  
Division One

PEOPLE v. PAYNE

Petition for review denied

**S112641**E031118 Fourth Appellate District,  
Division Two

PEOPLE v. ROBINSON

Petition for review denied

**S112643**B150319 Second Appellate District,  
Division Five

PEOPLE v. SIDOIONE

Petition for review denied

Kennard, J., is of the opinion the petition  
should be granted.**S112644**A095649 First Appellate District,  
Division Two

PEOPLE v. FAVRO

Petition for review denied



**S112646**

F038597 Fifth Appellate District

PEOPLE v. HERNANDEZ

Petition for review denied

Baxter, J., was recused and did not participate.

**S112648**G029598 Fourth Appellate District,  
Division Three

R. (TIMOTHY), IN RE

Petition for review denied

**S112650**

H023058 Sixth Appellate District

R. (ALBERT), IN RE

Petition for review denied

**S112651**

C039478 Third Appellate District

ZISK (MARY), ESTATE OF

Petition for review denied

**S112653**D038507 Fourth Appellate District,  
Division One

LOCKHART v. LOCKHART

Petition for review denied

**S112654**

F039735 Fifth Appellate District

PEOPLE v. VALENZUELA

Petition for review denied

Baxter, J., was recused and did not participate.

**S112655**A097489 First Appellate District,  
Division Five

AMATUCCI v. COUNTY OF SAN MATEO

Petition for review denied

**S112656**

F039444 Fifth Appellate District

PEOPLE v. PAVAN

Petition for review denied

**S112657**

F039763 Fifth Appellate District

PEOPLE v. SCHOOLEY

Petition for review denied

**S112658**

C042538 Third Appellate District

ST. JUDE HOSPITAL v. WORKERS COMPENSATION

Petition for review denied

**S112665**

G027598 Fourth Appellate District,  
Division Three

PEOPLE v. YEE

Petition for review denied

**S112668**

A097982 First Appellate District,  
Division Five

V. (DAVID WADE)

Petition for review denied

**S112669**

F039902 Fifth Appellate District

PEOPLE v. PURDY

Petition for review denied

**S112679**

B154498 Second Appellate District,  
Division Six

PEOPLE v. MORALES

Petition for review denied

**S112682**

B150657 Second Appellate District,  
Division One

SOLOMON v. MOLLIGAN

Petition for review & publication request denied

**S112683**

A098279 First Appellate District,  
Division One

PEOPLE v. LOCKLEAR

Petition for review denied

**S112686**

B155197 Second Appellate District,  
Division Four

PEOPLE v. DASHER

Petition for review denied

**S112694**

A100595 First Appellate District,  
Division One

LOCKLEAR (CLIFFORD) ON H.C.

Petition for review denied

**S112695**

G027970 Fourth Appellate District,  
Division Three

PEOPLE v. BROWN

Petition for review denied

**S112699**

H023945 Sixth Appellate District

PEOPLE v. MARABILLA

Petition for review denied

**S112700**

D038522 Fourth Appellate District,  
Division One

PEOPLE v. KLINGER

Petition for review denied

**S112701**

F040275 Fifth Appellate District

PEOPLE v. JONES

Petition for review denied

**S112705**

A094584 First Appellate District,  
Division Four

PEOPLE v. YOST

Petition for review denied

**S112711**

H022908 Sixth Appellate District

PEOPLE v. MAPLE

Petition for review denied

**S112715**

E032897 Fourth Appellate District,  
Division Two

RODRIGUEZ (RICHARD J.) ON H.C.

Petition for review denied

**S112720**

B154773 Second Appellate District,  
Division Six

PEOPLE v. BASEER

Petition for review denied

**S112722**

A101048 First Appellate District,  
Division Three

KUO v. S.C. (JING)

Petition for review denied

**S112724**

G028962 Fourth Appellate District,  
Division Three

LAGUNA HEIGHTS v. UNION BANK

Petition for review denied

**S112725**

G028239 Fourth Appellate District,  
Division Three

NGUYEN v. CITY OF WESTMINSTER

Petition for review denied

**S112726**

H022870 Sixth Appellate District

PEOPLE v. BUENROSTRO

Petition for review denied

**S112735**

F038058 Fifth Appellate District

PEOPLE v. ACKENHEIL

Petition for review denied

**S112736**

H025142 Sixth Appellate District

WEYERHAEUSER v. W.C.A.B. (ACOSTA)

Petition for review denied

**S112739**D039278 Fourth Appellate District,  
Division One

PEOPLE v. SCHOEPPPEL

Petition for review denied

**S112740**

H022333 Sixth Appellate District

PEOPLE v. BARNETT

Petition for review denied

**S112744**G029923 Fourth Appellate District,  
Division Three

PEOPLE v. TILLET

Petition for review denied

**S112749**B155099 Second Appellate District,  
Division Four

PEOPLE v. MATUTE

Petition for review denied

**S112750**B155119 Second Appellate District,  
Division Two

PEOPLE v. STITH

Petition for review denied

**S112753**E031389 Fourth Appellate District,  
Division Two

PEOPLE v. SEIGAS

Petition for review denied

**S112767**E029958 Fourth Appellate District,  
Division Two

PEOPLE v. CHRISTMAN

Petition for review denied

**S112778**G029953 Fourth Appellate District,  
Division Three

W.(K.), IN RE

Petition for review denied

**S112782**

C042879 Third Appellate District

LOPEZ (RICHARD) ON H.C.

Petition for review denied

**S112786**B154269 Second Appellate District,  
Division One

PEOPLE v. RICKS

Petition for review denied

**S112796**

F037138 Fifth Appellate District

PEOPLE v. TRAMMELL

Petition for review denied

**S112809**B149675 Second Appellate District,  
Division Two

PEOPLE v. MAZURETTE

Petition for review denied

**S112822**B155528 Second Appellate District,  
Division Six

PEOPLE v. SIMMONS

Petition for review denied

**S112825**G028546 Fourth Appellate District,  
Division Three

PEOPLE v. READER

Petition for review denied

**S112952**

H022410 Sixth Appellate District

PEOPLE v. TARABOCHIA

Petition for review denied

**S112954**

H024662 Sixth Appellate District

TARABOCHIA (MICHAEL), ON H. C.

Petition for review denied

**S113151**

H025161 Sixth Appellate District

RUFF v. CA 6

Petition for writ of mandate/prohibition denied

**S113190**

H025239 Sixth Appellate District

CHAMPIONSHIP AUTO v. S.C. (SALDIAS)

Petition for review and application for stay denied

**S113307**B163082 Second Appellate District,  
Division ThreeCOUNTY OF LOS ANGELES v. S.C. (BRYAN)  
Petition for review and application for stay denied**S113395**B162383 Second Appellate District,  
Division FourGLENDALE v. S.C. (FRIEDERS)  
Petition for review and application for stay denied**S104414**KING (LARRY DONNELL) ON H.C.  
Petition for writ of habeas corpus denied**S106325**FORTENBERRY (CHARLES) ON H.C.  
Petition for writ of habeas corpus denied**S107018**CHANG (FERNANDO C.) ON H.C.  
Petition for writ of habeas corpus denied**S107054**RAMOS (HONESTO B.) ON H.C.  
Petition for writ of habeas corpus denied**S107189**PLUTH (MICHAEL) ON H.C.  
Petition for writ of habeas corpus denied

Brown, J., was recused and did not participate.

**S107328**PHAM (DUNG) ON H.C.  
Petition for writ of habeas corpus denied**S107486**DENTON (RAYMOND) ON H.C.  
Petition for writ of habeas corpus denied**S107613**J. (FAROKH) ON H.C.  
Petition for writ of habeas corpus denied

Judicial notice granted.

<b>S107622</b>	MOTT (FRED) ON H.C. Petition for writ of habeas corpus denied
<b>S107688</b>	NUNEZ (JUANA SOLANO) ON H.C. Petition for writ of habeas corpus denied with citation(s)
<b>S107690</b>	CALDWELL (GILBERT) ON H.C. Petition for writ of habeas corpus denied
<b>S107694</b>	VICTORY (MICHAEL) ON H.C. Petition for writ of habeas corpus denied
<b>S107837</b>	WILLIAMS (BRUCE) ON H.C. Petition for writ of habeas corpus denied with citation(s)
<b>S107859</b>	SHOTWELL (PRINCE DEON) ON H.C. Petition for writ of habeas corpus denied with citation(s)
<b>S107875</b>	DORROUGH (MICHAEL) ON H.C. Petition for writ of habeas corpus denied
<b>S107888</b>	PADILLA (CESAR HUGO) ON H.C. Petition for writ of habeas corpus denied with citation(s)
<b>S108028</b>	PETTAWAY (UNDRAE) ON H.C. Petition for writ of habeas corpus denied with citation(s)
<b>S108069</b>	CAUDLE (RAMON) ON H.C. Petition for writ of habeas corpus denied with citation(s)
<b>S108071</b>	SEPULVEDA (AURELIO M.) ON H.C. Petition for writ of habeas corpus denied with citation(s)
<b>S108150</b>	COLEMAN (WESLEY J.) ON H.C. Petition for writ of habeas corpus denied

<b>S108244</b>	GALINDO (RICARDO) ON H.C. Petition for writ of habeas corpus denied with citation(s)
<b>S108269</b>	SANTIAGO (GABRIEL) ON H.C. Petition for writ of habeas corpus denied
<b>S108272</b>	MORA (LOUIE) ON H.C. Petition for writ of habeas corpus denied with citation(s)
<b>S108736</b>	HERRERA (ALEJANDRO) ON H.C. Petition for writ of habeas corpus denied with citation(s)
<b>S108819</b>	WOODS (MINGO) ON H.C. Petition for writ of habeas corpus denied
<b>S109045</b>	CALDWELL (TREMONT A.) ON H.C. Petition for writ of habeas corpus denied with citation(s)
<b>S109090</b>	LANGHORNE (WILLIAM B.) ON H.C. Petition for writ of habeas corpus denied
<b>S109450</b>	SOLIS (DANIEL) ON H.C. Petition for writ of habeas corpus denied
<b>S109497</b>	CHAPMAN (KELVIN L.) ON H.C. Petition for writ of habeas corpus denied with citation(s)
<b>S109509</b>	OWENS (CURTIS) ON H.C. Petition for writ of habeas corpus denied
<b>S109621</b>	JUAREZ (HECTOR MANUEL) ON H.C. Petition for writ of habeas corpus denied
<b>S109627</b>	TURNER (LARRY G.) ON H. C. Petition for writ of habeas corpus denied with citation(s)



<b>S109712</b>	PUENTES (JAVIER) ON H.C. Petition for writ of habeas corpus denied
<b>S109801</b>	WILLIAMS (RAY LEWIS) ON H.C. Petition for writ of habeas corpus denied
<b>S109811</b>	VELASQUEZ (ALDO G.) ON H.C. Petition for writ of habeas corpus denied with citation(s)
<b>S109879</b>	ROSS (DONALD JAMES) ON H.C. Petition for writ of habeas corpus denied
<b>S109904</b>	CROWDER (ERIC) ON H.C. Petition for writ of habeas corpus denied
<b>S109930</b>	HEAROD (WILLIE) ON H.C. Petition for writ of habeas corpus denied
<b>S109936</b>	RUFF (WILLIE GENE) ON H.C. Petition for writ of habeas corpus denied with citation(s)
<b>S109940</b>	SANCHEZ (ALEJANDRO) ON H.C. Petition for writ of habeas corpus denied
<b>S109943</b>	VILLALOBOS (RAUL) ON H.C. Petition for writ of habeas corpus denied
<b>S109945</b>	EKMAN (GARRETT D.) ON H.C. Petition for writ of habeas corpus denied with citation(s)
<b>S110014</b>	CALANCHE (JOHNNY) ON H.C. Petition for writ of habeas corpus denied
<b>S110030</b>	HERNANDEZ (AUGUSTIN) ON H.C. Petition for writ of habeas corpus denied with citation(s)

<b>S110041</b>	HAWKINS (FRANK) ON H.C. Petition for writ of habeas corpus denied with citation(s)
<b>S110056</b>	MCCARTER (EDWARD) ON H.C. Petition for writ of habeas corpus denied
<b>S110069</b>	OROZCO (RAUL V.) ON H.C. Petition for writ of habeas corpus denied
<b>S110074</b>	ROSS (ROBERT) ON H.C. Petition for writ of habeas corpus denied with citation(s)
<b>S110077</b>	CHESTNUT (GERALD) W.) ON H.C. Petition for writ of habeas corpus denied with citation(s)
<b>S110081</b>	MULVIHILL (STEPHEN P.) ON H.C. Petition for writ of habeas corpus denied
<b>S110084</b>	HALL (DOUGLAS V.) ON H.C. Petition for writ of habeas corpus denied with citation(s)
<b>S110086</b>	WILLIAMS (ROBERT LEE) ON H.C. Petition for writ of habeas corpus denied with citation(s)
<b>S110092</b>	WARREN (PRINCE) ON H.C. Petition for writ of habeas corpus denied with citation(s)
<b>S110131</b>	TURNER (JESSIE D.) ON H.C. Petition for writ of habeas corpus denied
<b>S110141</b>	MAYJACK (STEVEN A.) ON H.C. Petition for writ of habeas corpus denied with citation(s)
<b>S110156</b>	BURGESS (GARY L.) ON H.C. Petition for writ of habeas corpus denied with citation(s)

<b>S110174</b>	JOHNSON (AUSTIN) ON H.C. Petition for writ of habeas corpus denied
<b>S110183</b>	LOPEZ (ROBERT) ON H.C. Petition for writ of habeas corpus denied
<b>S110189</b>	RICHARDSON (DAMION L.) ON H.C. Petition for writ of habeas corpus denied
<b>S110208</b>	GILES (DANIEL) ON H.C. Petition for writ of habeas corpus denied
<b>S110274</b>	MONTAGUE (BOBBY) ON H.C. Petition for writ of habeas corpus denied with citation(s)
<b>S110305</b>	DAVIS (JOHN WESTLEY) ON H.C. Petition for writ of habeas corpus denied
<b>S110348</b>	COTTON (YOLANDA S.) ON H.C. Petition for writ of habeas corpus denied
<b>S110583</b>	CHESSMORE (BRIAN) ON H.C. Petition for writ of habeas corpus denied with citation(s)
<b>S111360</b>	KULKA (JAMES E.) ON H.C. Petition for writ of habeas corpus denied with citation(s)
<b>S111361</b>	GREENE (CLARENCE) ON H.C. Petition for writ of habeas corpus denied with citation(s)
<b>S111414</b>	NORRIS (ANTHONY) ON H.C. Petition for writ of habeas corpus denied
<b>S111419</b>	CHESSMORE (BRIAN) ON H.C. Petition for writ of habeas corpus denied with citation(s)

**S111442**SMITH (CURTIS) ON H.C.  
Petition for writ of habeas corpus denied**S111444**SMITH (TIMOTHY) ON H.C.  
Petition for writ of habeas corpus denied**S111456**FIELD (JOHN) ON H.C.  
Petition for writ of habeas corpus denied**S111486**BAILEY (WILLIAM J.) ON H.C.  
Petition for writ of habeas corpus denied with citation(s)**S113098**HERNANDEZ (JESSE A.) ON H.C.  
Petition for writ of habeas corpus denied**S111752**D038721 Fourth Appellate District,  
Division OneCAUIN v. CALIFORNIA DEPARTMENT OF CORRECTIO  
Publication request denied (case closed)**S112179**B141914 Second Appellate District,  
Division SixGASS v. NSK LTD  
Publication request denied (case closed)**S112326**B154493 Second Appellate District,  
Division SixCITY OF ORANGE v. SAN DIEGO COUNTY EMPLOYEE  
Depublication request denied (case closed)**S112561**G029383 Fourth Appellate District,  
Division ThreeBUNKER v. COUNTY OF ORANGE  
Depublication request denied (case closed)**S113054**G024042 Fourth Appellate District,  
Division Three  
G030316PEOPLE v. MARTINEZ  
Publication request denied (case closed)

**S059739**

SCOTT (JAMES) ON H.C.

Time extended to consider modification or rehearing

to 4/25/2003, or the date upon which rehearing is either granted or denied, whichever occurs first.

**S044677**

PEOPLE v. HORNING (DANNY RAY)

Extension of time granted

to 4/11/2003 to file appellant's opening brief. After that date, only two further extensions totaling about 80 additional days will be granted. Extension is granted based upon counsel John F. Schuck's representation that he anticipates filing that brief by 6/30/2003.

**S052288**

PEOPLE v. HAMILTON (BERNARD)

Extension of time granted

to 4/15/2003 to file appellant's opening brief. The court anticipates that after that date, only three further extensions totaling 180 additional days will be granted. Counsel is ordered to inform his or her assisting attorney or entity, if any, and any assisting attorney or entity of any separate counsel of record, of this schedule, and to take all steps necessary to meet it.

**S064306**

PEOPLE v. FAMALARO (JOHN J.)

Extension of time granted

to 4/15/2003 to file appellant's opening brief. The court anticipates that further extensions will be granted only on satisfactory progress toward the transmission of the record on appeal. Counsel is ordered to inform his or her assisting attorney or entity, if any, and any assisting attorney or entity of any separate counsel of record, of this schedule, and to take all steps necessary to meet it.

**S090684**

BOLIN (PAUL CLARENCE) ON H.C.

Extension of time granted

to 3/18/2003 to file the reply to the informal response to the petition for writ of habeas corpus. Extension is granted based upon counsel Jolie Lipsig's representation that she anticipates filing that document by 3/18/2003. After that date, no further extension will be granted.

**S109520**A095878 First Appellate District,  
Division Four

T. (ELDRIDGE), IN RE

Extension of time granted

Appellant's time to serve and file the answer brief on the merits is extended to and including March 17, 2003.

**S111336**

FIGUEROA (VICENTE B.) ON H.C.

Extension of time granted

to 3/17/2003 to file the informal response to the petition for writ of habeas corpus. After that date, only four further extensions totaling 120 additional days will be granted. Extension is granted based upon Deputy Attorney General Kelly El. LeBel's representaion that she anticipates filing that document by 7/18/2003.

**S112146**

PEOPLE v. STAYNER (CARY ANTHONY)

Extension of time granted

Good cause appearing therefor, in light of the record in excess of 10,000 pages, the request of the Santa Clara County Superior Court court reporters for an extension of time to complete the reporter's transcript on appeal is granted. (See Cal. Rules of Court, rule 39.53(b)(6).) The reporter's transcript must be completed on or before 3/12/2003.

**S048440****PEOPLE v. LIGHTSEY (CHRISTOPHER)**

Counsel appointment order filed

Good cause appearing, the application of appointed counsel for permission to withdraw as attorney of record for appellant Christopher Charles Lightsey, filed January 7, 2003, is granted. The order appointing the State Public Defender as counsel of record for appellant Christopher Charles Lightsey, filed March 1, 2000, is hereby vacated. Erik N. Larson is hereby appointed as lead counsel, and Manuel J. Baglanis is appointed as associate counsel, to represent appellant Christopher Charles Lightsey for the direct appeal in the above automatic appeal now pending in this court. The State Public Defender is directed to deliver to Erik N. Larson, within 30 days from the filing of this order, the entire case file relating to appellant's automatic appeal currently in the State Public Defender's possession, including, but not limited to, the reporter's and clerk's transcripts, all case files and documents obtained from appellant's trial counsel, and all other case-related documents, including copies of all documents filed in this court.

**S029301****PEOPLE v. TULK (JAMES D.)**

Record augmentation granted in part/denied in part

Appellant's "Supplemental Motion to Correct, Augment and Settle the Record on Appeal," filed on May 31, 2002, is granted in part and denied in part. To the extent that it seeks corrections and/or additional nonconfidential materials in the superior court, the motion is granted as follows: The clerk of this court is directed to transmit the original of the record on appeal to the clerk of the superior court. The superior court is directed to conduct a hearing or hearings on the additional nonconfidential materials requested in items 2, 3, 4, 5, 6, 7, 8, 9, 10 and 11, and on the corrections requested to be made to the following pages: R.T. 695, 1482, 1486, 2136, 2436, 2790, 3010, 4141, 4554, 4640, 4664, 4807, 5542, 5718, 5720, 6099, 6265, 7272,

7417 and 7469. The superior court is further directed to order the preparation of clerk's and reporter's transcripts relating to the hearing or hearings conducted; to provide each of the parties an opportunity to review any such additions and corrections and any such clerk's and reporter's transcripts; and to make the certification required by rule 35(c)(4) of the California Rules of Court-all to be completed on or before March 28, 2003. To the extent that it seeks additional confidential or sealed materials, the motion is granted as follows: The superior court is directed to conduct a hearing or hearings on the confidential or sealed materials requested in the motion; to order such additional materials as may be necessary; to order the preparation of clerk's and reporter's transcripts relating to the hearing or hearings conducted; to provide appellant an opportunity to review any such additional materials and any such clerk's and reporter's transcripts; and to make the certification required by rule 35(c)(4) of the California Rules of Court-all to be completed on or before March 28, 2003. The superior court is further directed to conduct a hearing or hearings to determine whether counsel for the People returned confidential Penal Code section 987.2 materials to the county clerk as required by the superior court's prior order and, if not, to order counsel for the People to do so and to impose appropriate protective orders. With respect to the confidential material referred to at page 7704 of the clerk's transcript, the superior court is directed to furnish sealed copies of such material to this court and to counsel for appellant only. The superior court is further directed to furnish a sealed original of R.T. 8527 to this court and a sealed copy to counsel for appellant only. The superior court is further directed to conduct a hearing or hearings to determine whether counsel for the People possess R.T. 8527 or any Penal Code section 987.2 materials not previously included in the



clerk's transcript and, if so, to order counsel for the People to return such portion of the record to the superior court and to impose appropriate protective orders. The clerk of the court is directed to transmit to this court the original of the clerk's and reporter's transcripts relating to any hearing or hearings conducted and any confidential additions and corrections ordered, together with the original of the sealed clerk's and reporter's transcripts relating to any hearing or hearings conducted and any confidential additions ordered, and to retransmit to this court the original of the record on appeal, within 10 days of the certification required by rule 35(c)(4) of the California Rules of Court. In all other respects, the motion is denied.

**S058092**

PEOPLE v. HARRIS (MAURICE)  
Record augmentation granted

Appellant's "Motion to Augment Record on Appeal Pursuant to Rule of Court 12(a)," filed on December 2, 2002, is granted. The clerk is directed to file, as part of the record on appeal, "Search Warrant No. 5137," including affidavit, bearing page numbers 296 through 315, labeled "Exhibit A" to appellant's motion.

**S004507**

COX (MICHAEL ANTHONY) ON H.C.  
Motion denied

The State Public Defender's request to have two attorneys participate in oral argument in these matters is granted. The State Public Defender's request to augment the time for oral argument in the above-entitled matters is denied. The matters are to be argued together and each party is allotted a total of 45 minutes of argument.

**S004703**PEOPLE v. COX (MICHAEL ANTHONY)  
Motion denied

The State Public Defender's request to augment the time for oral argument in the above-entitled matters is denied. The matters are to be argued together and each party is allotted a total of 45 minutes of argument. The State Public Defender's request to have two attorneys participate in oral argument in these matters is granted.

**S024046**PEOPLE v. OMALLEY (JAMES F.)  
Order filed

Appellant's "Renewed Motion for Orders that the Superior Court Supply the Parties with Various Materials Relating to the Record on Automatic Appeal, and Request that the Court not Accept the Certified Appellate Record for Filing until the Superior Court Has Supplied those Materials to the Parties" is granted in part and denied in part. Appellant's motion is granted to the following extent: The Santa Clara County Superior Court is directed to provide copies of all juror questionnaires in People v. O'Malley (superior court case No. 131339) to appellant and respondent. The court is further directed to determine whether oral proceedings were conducted on January 12, 1989, and, if conducted, whether such proceedings were reported. If such proceedings were conducted and reported and can be transcribed, the court shall cause the preparation, certification, and filing of a reporter's transcript thereof. (See Cal. Rules of Court, rule 35.) If such proceedings were conducted but not reported, or reported but cannot be transcribed, the court is directed to conduct such further proceedings as may be necessary and appropriate. (See id., rule 7.) In all other respects, appellant's motion is denied.

**S055652**

PEOPLE v. FUIAVA (FREDDIE)  
Motion denied

Appellant's motion relating to a Pitchess motion, as filed on January 2, 2003, and as modified on January 6, 2003, is denied.

**S071265**

MICHAELS (KURT) ON H.C.  
Order filed

The Attorney General's request for leave to submit a supplemental informal response addressing issues to alleged ineffective assistance by advisory counsel is granted. The informal response must be filed within 20 days from this order. Petitioner will have 10 days to reply to the supplemental informal response.

**S090684**

BOLIN (PAUL CLARENCE) ON H.C.  
Motion denied

The Attorney General's "Motion to Correct Reporter's Transcript," filed on April 2, 2002, and "Second Motion to Correct Reporter's Transcript," filed on May 1, 2002, are denied.

**S082299**

SAKARIAS (PETER) ON H.C.  
Referee appointed

THE COURT:

Based on the record in these matters and good cause appearing:

The Honorable Thomas L. Willhite, Jr., Judge of the Los Angeles County Superior Court, is appointed to sit as a referee in this consolidated proceeding. He shall take evidence and make findings of fact on the following questions:

1. Was prosecutor Steven Ipsen's argument of inconsistent factual theories to the juries in the trials of petitioners Waidla and Sakarias intentional or inadvertent?
2. (a) Did Ipsen believe, at the time of Sakarias's

trial, that the murder victim, Viivi Piirisild, was already dead at the time she was dragged from the living room to the bedroom? (b) Did he have reason to believe Piirisild was dead when moved to the bedroom?

3. At Sakarias's trial, did Ipsen deliberately refrain from asking the medical examiner, Dr. James Ribe, about a postmortem abrasion on the victim's back?

4. At Waidla's trial, did Ipsen refrain from seeking admission of Sakarias's confession into evidence because it contradicted the factual theory he intended to argue to the Waidla jury?

It is further ordered that the referee prepare and submit to this court a report of the proceedings conducted pursuant to this appointment, of the evidence adduced, and the findings of fact made.

Any requests for discovery in this consolidated matter should be addressed to the referee.

**S102401**

WAIDLA (TAUNO) ON H.C.  
Referee appointed

THE COURT:

Based on the record in these matters and good cause appearing:

The Honorable Thomas L. Willhite, Jr., Judge of the Los Angeles County Superior Court, is appointed to sit as a referee in this consolidated proceeding. He shall take evidence and make findings of fact on the following questions:

1. Was prosecutor Steven Ipsen's argument of inconsistent factual theories to the juries in the trials of petitioners Waidla and Sakarias intentional or inadvertent?

2. (a) Did Ipsen believe, at the time of Sakarias's trial, that the murder victim, Viivi Piirisild, was already dead at the time she was dragged from the living room to the bedroom? (b) Did he have reason to believe Piirisild was dead when moved to the bedroom?

3. At Sakarias's trial, did Ipsen deliberately

refrain from asking the medical examiner, Dr. James Ribe, about a postmortem abrasion on the victim's back?

4. At Waidla's trial, did Ipsen refrain from seeking admission of Sakarias's confession into evidence because it contradicted the factual theory he intended to argue to the Waidla jury?

It is further ordered that the referee prepare and submit to this court a report of the proceedings conducted pursuant to this appointment, of the evidence adduced, and the findings of fact made.

Any requests for discovery in this consolidated matter should be addressed to the referee.

B135346  
Second District, Division Four

PEOPLE v. GREEN (WILLIAMS JAY)  
Order filed

The time for granting review on the court's own motion is hereby extended to and including March 13, 2003. (Cal. Rules of Court, rule 28(a)(1).)

**118618-03**

THE HONORABLE GEORGE W. NICHOLSON  
Associate Justice of the Court of Appeal, Third Appellate District, is hereby assigned to assist the Supreme Court of California, as a justice thereof, on February 11, 2003, and until completion and disposition of all causes and matters submitted pursuant to this assignment including, if necessary by reason of a vacancy or disqualification of a Supreme Court justice, petitions for rehearing arising out of such causes and matters.

Dated: February 11, 2003

Ronald M. George  
Chief Justice of California and  
Chairperson of the Judicial Council

